

JAP:HLJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M10-1257

- - - - - X

UNITED STATES OF AMERICA

- against -

JUAN MINA,
also known as
"Aurelio Lopez,"
"Juan Medina," and
"Roberto Medina,"

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

JAMES ZAGARI, being duly sworn, deposes and states that he is an Immigration Enforcement Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about August 2, 2010, within the Eastern District of New York and elsewhere, the defendant JUAN MINA, also known as "Aurelio Lopez," "Juan Medina," and "Roberto Medina," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(2)).

UNDER SEAL

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am an Immigration Enforcement Agent with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 21, 2010, ICE officials provided the New York State Division of Criminal Justice Services ("NYSDCJS") with a list of aliens who had been previously removed from the United States. ICE requested that NYSDCJS search its records to determine which of these aliens had been arrested by state authorities in New York on a date subsequent to their removal from the United States.

3. On or about August 2, 2010, after receiving the requested information from NYSDCJS, ICE learned that the defendant JUAN MINA, also known as "Aurelio Lopez," "Juan Medina," and "Roberto Medina," had been arrested by the New York

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

City Police Department ("NYPD"), 73rd Precinct, in Brooklyn, New York, on February 18, 2009. The defendant was arrested on that date and charged with Criminal Possession of Controlled Substance in the Third Degree, in violation of Section 220.16 subsection 01 of the New York State Penal Law.

4. According to ICE records, the defendant, a citizen of Panama, had been previously removed from the United States on February 11, 1998 and January 11, 2005.

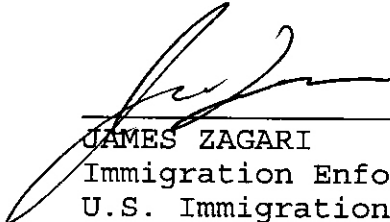
5. ICE officials further determined, based on a criminal history report, that on or about July 14, 1997, the defendant was convicted of Attempted Criminal Possession a Controlled Substance in the Third Degree, in violation Section 220.16 of the New York State Penal Law, an aggravated felony.

6. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his July 14, 1997 conviction; the fingerprints taken in connection with the defendant's January 11, 2005 removal; and the fingerprints taken in connection with the defendant's February 18, 2009 NYPD arrest, and determined that all three sets of fingerprints were made by the same individual.

7. A search of ICE records has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security,

successor to the Attorney General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant JUAN MINA, also known as "Aurelio Lopez," "Juan Medina," and "Roberto Medina," so that he may be dealt with according to law.



JAMES ZAGARI
Immigration Enforcement Agent
U.S. Immigration and Customs
Enforcement

Sworn to before me this
25th day of October, 2010

—
AK
JE